

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

D.A.No.133/88

Manoj Kumar

Applicant

Vs.

Union of India & Others Respondents

Hon.Mr.Justice U.C.Srivastava, V.C.

Hon.Mr. K. Obayya, A.M.

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

The applicant was selected for appointment to the post of Assistant Station Master. He was sent for training at Chandausi Zonal Training School. Thereafter he was directed to join duty on 12-8-85. On 21/8/85 the applicant was sent for re-medical examination and according to him he was found fit and he requested that now he may be allowed to join on duty. But he was not allowed to join duty. He was again sent for training at Zonal Training School, Chandausi. According to the applicant he has received training but he had no option but to proceed again for training. Even thereafter appointment was not given. Feeling aggrieved, the applicant has approached this Tribunal praying that the respondents be directed to re-employ him to the post of Assistant Station Master quashing his order of termination from service holding the termination as illegal, inoperative and without jurisdiction.

2. The respondents have pointed out that after completion of his first training he was nominated for

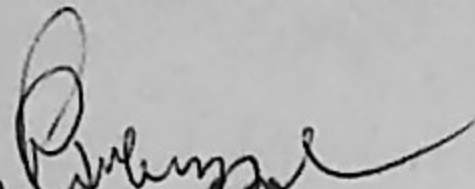
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— further ^{Course} action by the Z.T.S., Chandausi. But the applicant did not pass the prescribed training for the post of A.S.M. He reported as late as 12-8-85 in Head Quarters office though he was relieved from training on 28-9-84. He was to pass the training test and medical fitness test, but these tests did not entitle him for re-employment. As a result of his training the applicant was declared for practical line training from 23-9-86 to 6-11-86. According to the respondents, this is not a second training. According to the respondents, the applicant could not clear the first training and that is why a second training was given to him and ~~in~~ the second training also he could not clear and that is why he was not given appointment.

3. The learned counsel for the applicant contended that of course the applicant has undergone the full training and the appointment was not subject to any condition that without any training appointment cannot be given. As it was a technical job, training was necessary. Unless the person is qualified for this specialised post he cannot be given the said appointment. The applicant, who has undergone the process of training twice, could have been given yet one more opportunity. The Railway Administration, without giving him one more opportunity, has thrown him out of the service. In case he has failed in the last opportunity, he could not have been taken for re-employment. If the applicant was selected for the post of A.S.M. and was sent for training and though did not clear the same, he could have been considered for any other appointment within the ambit of rule. Accordingly the application of the

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applicant is allowed only with a direction to the respondents that the respondents will give one more opportunity to undergo the training and in case he comes out successful, he will be given appointment to the post of A.S.M. or to any other post to which he is found eligible, within the ambit of rules. The application is disposed off in these terms.
No order as to the cost.


Member (A)


Vice-Chairman.

Dated: 29th Sept., 1992, Allahabad.

(tgk)